

REMARKS/ARGUMENTS

Claims 4-8, 11 and 12 are pending.

Claim 12 is allowed.

Claims 4, 6-8 and 11 are hereby amended.

Previously, claims 4-8, 11 and 12 were allowed, however, the allowance was withdrawn prior to payment of the issue fee. Thereafter, the PTO issued a subsequent office action, and Applicant made amendment and response thereto. A next office action of November 3, 2006 was delivered and this is Applicant's response to that action.

The following remarks respond to the rejections of the November 3, 2006 office action:

1. Claims 4 and 5 were rejected under 35 USC 102(b) as anticipated by Kaufman. The examiner states that the "separator [listed in the claims] is broadly considered to 'hold' the contents", and that the claims do not require any "retaining means" to hold a vial. (E.g., page 5 of office action).

Applicant's amended claim 4 now specifies that the internal separator includes a retainer formed in the internal separator and that this retainer is suitable for receiving the vial in the first compartment.

The amendments are made in response to the examiner's statements in the office action that "[a]lthough Kaufman and Petrelli do not disclose retaining means customized to specially hold a particular vial, the claims [i.e., prior to amendment herein] do not require such structure, only that the container is capable of 'holding' a vial, and given a suitably sized and shaped 'vial', the prior art would be capable of this function" (e.g., page 5 of office action).

Because the amended claim 4 specifically identifies that the retainer is formed of the internal separator and receives the vial in the first compartment, Applicant submits that the amendments place claim 4, and dependent claim 5, in position for allowance, in accord with the examiner's observation that Kaufman and Petrelli do not disclose retaining means. The amendments merely further specify the retainer of Applicant's claims, and thus avoid the concern of the examiner that the claim language would potentially be too broad so as to include merely "holding" without any customized retaining structure therefor (e.g., allowed to frictionally move around or happening to fit fairly lodged in the container, etc.).

2. Claim 7 was rejected under 35 USC 102(e) as anticipated by Petrelli. As with the Kaufman rejection, the examiner states that "Petrelli shows a container that could contain a vial". Applicant has amended claim 7 to more particularly specify that folding the sheet forms "a retainer for maintaining the vial in position within the container". This amendment distinguishes, in accord with the examiner's stated conclusion of the office action that "Kaufman and Petrelli do not disclose retaining means customized to specially hold a particular vial", that the amended claim now specifies particular structure of the container that maintains the vial in position – rather than merely "capable of 'holding' a vial". Applicant submits that the amendment places the claim in position for allowance, as suggested by the examiner in the office action.

3. Claims 6, 8 & 11 were rejected under 35 USC 103(a) as unpatentable over Petrelli in view of Kaufman. The amendments to claims 6, 8 and 11 are in accord with the foregoing, in that the amended claims now specify that the "retainer" (i.e., "retainer hole" in claim 8) maintains the vial/content in relative position in the container or as to features of the container. As mentioned, the examiner stated in the office action that "[a]lthough Kaufman and Petrelli do

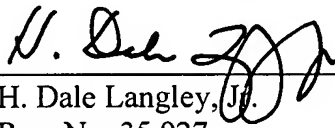
not disclose retaining means customized to specially hold a particular vial, the claims [i.e., prior to amendment herein] do not require such structure, only that the container is capable of 'holding' a vial, and given a suitably sized and shaped 'vial', the prior art would be capable of this function" (e.g., page 5 of office action). The amendments to the claims identify specific structure that retains the vial/content in position within the container and/or as to the internal separator therein. Thus, such structure is now expressly described in the amended claims, and Applicant submits this overcomes the rejection as indicated by the examiner in the office action.

Applicant thanks the Examiner for the allowance of claim 12.

If the Examiner has any questions or comments, the undersigned attorney for Applicant respectfully requests a call to discuss any issues. The Office is authorized to charge any excess fees or to credit any overage to the undersigned's Deposit Account No. 50-1350.

Respectfully submitted,

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